

EXHIBIT 40

1 IN RE: PEOPLE VS. JAMES FLETCHER

2 GJ# JUNE 813

3 ARR DATE: 06-27-02

4 02 CR 16669

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7
8 BEFORE THE GRAND JURY

9 OF COOK COUNTY

10 JUNE, 2002

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12
13 TRANSCRIPT OF TESTIMONY TAKEN

14 IN THE ABOVE ENTITLED MATTER ON THE 21ST DAY OF

15 JUNE, A.D., 2002.

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18 PRESENT: MS. KATHALEEN LANAHAN,
19 ASSISTANT STATE'S ATTORNEY

20 REPORTED BY: DEBRA L. KELLY
21 CERTIFIED SHORTHAND REPORTER
22 ILLINOIS LICENSE NO. 084-003815

23 LIST OF WITNESSES:

24 MS. JENNIFER GONZALEZ

1 THE FOREPERSON: Would you raise your right hand,
2 please?

3 (Witness duly sworn.)

4 MS. LANAHAN: Ladies and gentlemen, I'm Assistant
5 State's Attorney Kathaleen Lanahan of the Homicide Sex
6 Unit.

7 I'm here today on Grand Jury Number 02 CR 16669.
8 The Grand Jury Number is June 813.

9 This is a reindictment of a case with the old CR
10 Number of 02 CR 12937 in which there was a True Bill
11 entered on May 10th of 2002.

12 We are seeking to reindict this case because
13 this is a 1990 murder and the amended compiled statute
14 date, there is a slightly different wording of murder
15 charges.

16 I ask leave to call Assistant State's Attorney
17 Jennifer Gonzales.

18 The Grand Jury does have the right to subpoena
19 and question any person against whom the State's Attorney
20 is seeking a Bill of Indictment, or any other person, and
21 to obtain and examine any documents or transcripts
22 relevant to the matter being prosecuted by the State's
23 Attorney.

24 JENNIFER GONZALEZ,

1 having been first duly sworn, was examined and testified
2 as follows:

3 EXAMINATION

4 BY

5 MS. LANAHAH:

6 Q. Ms. Gonzalez, can you please state your name?

7 A. Yes, Jennifer Gonzalez.

8 Q. Have you already been sworn?

9 A. Yes.

10 Q. Do you have a copy of Grand Jury Number May 355,
11 02 CR 12937?

12 A. Yes.

13 Q. Can you please read that transcript to the ladies
14 and gentlemen of the Grand Jury?

15 A. Yes.

16 (Whereupon GJ# May 355 was read into the record
17 as follows)

18
19 "IN RE: PEOPLE VS. JAMES FLETCHER

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21 GJ# 355

22 ARR. DATE: 5-31-02

23 02 CR 12937

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1
2 BEFORE THE GRAND JURY OF COOK COUNTY

3
4 MAY 2002

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7 TRANSCRIPT OF TESTIMONY TAKEN IN THE ABOVE
8 ENTITLED MATTER ON MAY 10, 2002.

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11 PRESENT: MS. KATHALEEN LANAHAN
12 ASSISTANT STATE'S ATTORNEY

13 REPORTED BY JANET K. LUPA
14 CERTIFIED SHORTHAND REPORTER
15 ILLINOIS LICENSE NO. 84-2103

16 LIST OF WITNESSES;
17 R. SCHALK
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1 THE FOREPERSON: Would you raise your right hand,
2 please.

3 (Witness duly sworn.)

4 MS. LANAHAH: Ladies and gentlemen of the Grand Jury,
5 I am Assistant State's Attorney Kathaleen Lanahan of the
6 Homicide-Sex Unit.

7 We are seeking a True Bill of Indictment against
8 the defendant James Fletcher, also known as Arnold Dixon,
9 for the offense of first degree murder committed against
10 Willie Sorrell on or about December 21st, 1990, near 5615
11 West Madison, Chicago, Cook County, Illinois. The Grand
12 Jury number is May 355.

13 At this time I ask leave to call Detective
14 Schalk.

15 The Grand Jury does have the right to subpoena and
16 question any person against whom the State's Attorney is
17 seeking a Bill of Indictment, or any other person, and to
18 obtain and examine any documents or transcripts relevant
19 to the matter being prosecuted by the State's Attorney.

20 R. SCHALK,
21 having been first duly sworn, was examined and testified
22 as follows:

23 EXAMINATION

24 BY

1 MS. LANAHAN:

2 Q. Detective, state your name, star number, and unit
3 of assignment?

4 A. Detective Raymond Schalk, Star No. 20718. I'm
5 assigned to Area 5 Violent Crimes.

6 Q. And, detective, you have been sworn?

7 A. Yes, I have.

8 Q. Did your investigation reveal that the victim
9 Willie Sorrell was alive prior to 1:25 p.m. on 12-21 of
10 1990?

11 A. Yes, he was.

12 Q. And that the victim Willie Sorrell and victim
13 Edward Cooper were in the area of 5615 West Madison at
14 1:35 p.m. on 12-21 of 1990?

15 A. That's correct.

16 Q. And that the defendant with a co-defendant was
17 also present at that time?

18 A. Yes, they were.

19 Q. That the defendant was armed with a gun?

20 A. Yes, he was.

21 Q. That the defendant and co-offender took money
22 from Edward Cooper at gunpoint?

23 A. Yes, they did.

24 Q. That as the defendant and co-offender fled,

1 victim Edward Cooper chased the defendants?

2 A. Yes, he did.

3 Q. That the defendant James Fletcher fired at Edward
4 Cooper?

5 A. That's correct.

6 Q. Edward Cooper -- gunfire was then exchanged?

7 A. Yes.

8 Q. And victim Willie Sorrell was shot in the head?

9 A. That's correct.

10 Q. That Dr. Stein of the Medical Examiner's office
11 determined that the victim Willie Sorrell died as a result
12 of a gunshot wound to the head?

13 A. Yes, he did.

14 Q. That the victim died on December 21st, 1990?

15 A. Yes, he did.

16 Q. And what was the relationship between the victim
17 Willie Sorrell and the defendant?

18 A. There was no relationship.

19 Q. And the victim Edward Cooper and the defendant?

20 A. No relationship.

21 Q. What is the basis of your testimony today?

22 A. From the police reports and from my interviews
23 with witnesses.

24 Q. And Mr. Cooper, the surviving victim?

1 A. Yes, that's correct.

2 MS. LANAHAN: I have no further questions.

3 THE FOREPERSON: Any questions from the jury? Thank
4 you very much.

5 (Witness excused.)

6 (Whereupon the Grand Jury was
7 left alone to deliberate,
8 after which the following
9 proceedings were had.)

10 THE FOREPERSON: True Bill.

11 (Whereupon the above-entitled
12 cause was continued
13 for arraignment before
14 the Presiding Judge of
15 the Criminal Division.)"

16 MS. LANAHAN: Are there any questions?

17 (No response.)

18 (Witness Excused.)

19 Whereupon the Grand Jury was
20 left alone to deliberate,
21 after which the following
22 proceedings were had:

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24 THE FOREPERSON: True Bill.

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Whereupon the above
entitled cause was
sent for arraignment to
the Presiding Judge of
the Criminal Division.

1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF C O O K)
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6 I, DEBRA L. KELLY, a Certified
7 Shorthand Reporter licensed to practice in the
8 State of Illinois, do hereby certify that I
9 reported in shorthand the proceedings had in the
10 hearing of the above entitled cause; that I
11 thereafter caused the foregoing to be transcribed
12 into typewriting, which I hereby certify is a true
13 and accurate transcript of the proceedings had
14 before the Grand Jury of Cook County.
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17 DEBRA L. KELLY, CSR
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